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11 Attorneys for Plaintiff
C.F.C., a minor, by and through
12 Christine F., his parent and guardian
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14 **UNITED STATES DISTRICT COURT**

15 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**
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18 C.F.C., minor, by and through CHRISTINE
F., his parent and guardian, on behalf of
19 himself and all others similarly situated,

20 Plaintiff,

21 v.

22 POWER BALANCE LLC; a Delaware
Limited Liability Company.

23 Defendants.
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25
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CASE NO. 3:11-CV-00487-EMC

Hon. Edward M. Chen

**REQUEST TO VACATE UPCOMING
CASE MANAGEMENT CONFERENCE IN
LIGHT OF ONGOING AUTOMATIC
STAY UNDER 11 U.S.C. SECTION 362**

**Complaint filed: February 1, 2011
Trial Date: None Set**

1 Plaintiff C.F.C., minor, by and through Christine F., his parent and guardian (“Plaintiff”)
2 requests as follows:

3 WHEREAS, on November 18, 2011, Defendant Power Balance, LLC filed a voluntary
4 Chapter 11 petition for relief in the United States Bankruptcy Court for the Central District of
5 California.

6 WHEREAS, on November 22, 2011, Power Balance filed a Notice of Pending Chapter
7 11 Bankruptcy and Notice of Automatic Stay in this court (Dkt. No. 29).

8 WHEREAS, the Chapter 11 bankruptcy is currently proceeding as Case No. 8:11-25982
9 and pending before the Honorable Theodore Albert, United States Bankruptcy Judge (the
10 “Bankruptcy Action”).

11 WHEREAS, pursuant to Section 362(a) of the Bankruptcy Code, there is currently an
12 ongoing automatic stay over the instant action.

13 WHEREAS a hearing regarding the Debtor’s Disclosure Statement is set for July 10,
14 2013, and a hearing regarding confirmation of the Debtor’s Chapter 11 Plan of Reorganization
15 has not yet been scheduled.

16 WHEREAS, the parties will provide this Court with an additional update on any changes
17 to the status of the Bankruptcy Action if and when they occur.

18 WHEREAS, on February 5, 2013, the Court previously granted Plaintiff’s stipulated
19 request to vacate the prior Case Management Conference due to the ongoing automatic stay.

20 Accordingly, in light of the ongoing automatic stay under Bankruptcy Code § 362(a),
21 Plaintiff requests that this Court vacate the upcoming Case Management Conference currently
22 scheduled for Thursday, June 27, 2013, and reset it to a date in October 2013.

23
24 Dated: June 21, 2013

LEXINGTON LAW GROUP

25
26 /s/ Mark Todzo

27 Mark Todzo
28 Attorneys for Plaintiff

1 **PURSUANT TO THE REQUEST, IT IS SO ORDERED.**

The CMC is reset for
11/14/13 at 9:00 a.m.

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3
4 Dated: June ²⁵_____, 2013

